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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,121	03/11/2004	Andre Lavoie	028750.0026-US04	8801
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LUDWIG, MATTHEW J				
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2178				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/798,121

**Applicant(s)**

LAVOIE ET AL.

**Examiner**

MATTHEW J. LUDWIG

**Art Unit**

2178

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the Amendment received 2/25/2010.
2. Claims 1-7, 9-69 are pending in the application. Claims 1, 39, 58, 60, 68, and 69 are independent claims.
3. Claims 1-7, 9-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Heckerman in view of Markowski have been withdrawn pursuant to applicant's amendments.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7, 9-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckerman et al., USPN 6,260,011 filed (3/20/200) in view of Markowski, US PGPub 2002/0122078 filed (12/7/2001) and further in view of Griggs 7,487,086 filed (6/5/2007).**

**In reference to independent claim 1, Heckerman teaches,**

***'a storage medium comprising security disclosure data in an audio format and a visual format;***

***a processor for receiving the audio security disclosure data at a first time and for inserting a first marker therein; and***

***said processor for creating, without human input, a text adapted to be visually displayed directly from the audio security disclosure data at a second time subsequent to the***

*first time and for inserting a second marker in the text in a position corresponding to a location of the first marker in the audio security disclosure data; and*  
*said processor for inserting a third marker in said visual data in a position corresponding to at least one of the first marker location in the audio data and the second marker location in the text’.*

The reference to Heckerman provides a storage means for audio data and allows for the program modules to manipulate data through specific synchronization software. See column 6, lines 11-67.

A processor is utilized by the method of Heckerman to receive audio content and provide markers to locate specific pieces of content. See column 8, lines 15-67.

The processor as taught in Heckerman and more specifically, the alignment software creates a text, adapted without human input, from the audio data. The software allows for the markers to be placed within the text to align the formats for presentation to a user. The reference teaches the use of audio files and audio content, however, the reference fails to explicitly state the data within the audio file refers to security disclosure data. The reference to Markowski discloses retrieving data from a data source and displaying that data in a graphical user interface, including the further limitation wherein the data is security issuer disclosure information. See, paragraph, 0046. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio content synchronization methods of Heckerman and the security disclosure data of Markowski to provide access to specific types of content and provide synchronization of said content.

The reference to Heckerman described the invention in terms of its ability to be used to synchronize audio and text data corresponding to literary works. However, it is to be understood that it can also be used in a wide variety of other applications where audio and text data representing different expressions of the same information need to be synchronized. See column 13, lines 35-55. The reference suggests multimedia applications but fails to explicitly state video data to be synchronized with text data and audio data. However, the reference to Griggs teaches a method for creating time-aligned transcripts. See column 3, lines 1-45. Also, aligning various types of formatted content and includes video, audio, and text data. The approach is not limited to detecting events in an audio recording. In the case of aligning a transcript or script with a audio-video recording, video events may be indicated in the transcript and located in the video portion of the recording. See column 8, lines 1-67 and column 9, lines 1-67. The references to Heckerman and Griggs are both analogous in the art of synchronizing multimedia content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the multimedia synchronization methods of Heckerman and the video/transcript synchronization methods of Griggs to provide the added benefit of having visual data as well as audio data to align with securities specific content as taught by the reference to Markowski.

**In reference to dependent claim 2, Heckerman teaches:**

The invention can be used in a wide variety of other applications where audio and text data representing different expressions of the same information need to be synchronized. The methods can be used to synchronize transcripts of audio information. See column 13, lines 42-55.

**In reference to dependent claim 3, Heckerman teaches:**

By incorporating audio time stamps into the text and, optionally, the corresponding audio file, accessing the same point in both the audio and text versions becomes a simple matter of searching the text and/or audio file for a particular, corresponding, audio time stamp. See column 12, lines 7-35.

**In reference to dependent claim 4 and 5, Heckerman teaches:**

The synchronize audio and text data could be stored in single file with links, e.g., pointers, synchronizing portions of the audio and text data which have been found to correspond to each other. See column 13, lines 35-50.

**In reference to dependent claim 6 and 7, Heckerman teaches:**

Linking of audio and text files through the use of common time stamps. See column 12, lines 50-57.

**In reference to dependent claims 9-22, Heckerman teaches:**

By incorporating audio time stamps into the text and, optionally, the corresponding audio file, accessing the same point in both the audio and text versions becomes a simple matter of searching the text and/or audio file for a particular, corresponding, audio time stamp. See column 12, lines 7-35.

**In reference to dependent claim 23 and 24, Heckerman teaches:**

Linking of audio and text files through the use of common time stamps. See column 12, lines 50-57.

**In reference to dependent claim 25-38, Heckerman teaches:**

By incorporating audio time stamps into the text and, optionally, the corresponding audio file, accessing the same point in both the audio and text versions becomes a simple matter of searching the text and/or audio file for a particular, corresponding, audio time stamp. See column 12, lines 7-35.

**In reference to independent claim 39, Heckerman teaches:**

A processor is utilized by the method of Heckerman to receive audio content and provide markers to locate specific pieces of content. See column 8, lines 15-67.

The processor as taught in Heckerman and more specifically, the alignment software creates a text, adapted without human input, from the audio data. The software allows for the markers to be placed within the text to align the formats for presentation to a user. The reference teaches the use of audio files and audio content, however, the reference fails to explicitly state the data within the audio file refers to security disclosure data. The reference to Markowski discloses retrieving data from a data source and displaying that data in a graphical user interface, including the further limitation wherein the data is security issuer disclosure information. See, paragraph, 0046. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio content synchronization methods of Heckerman and the security disclosure data of Markowski to provide access to specific types of content and provide synchronization of said content.

**In reference to dependent claim 40, Heckerman teaches:**

Audio files may be in the form of WAVE or other electronic audio file formats used to store speech, music, and/or other audio signals. See column 5, lines 34-45.

**In reference to dependent claim 41-43, Heckerman teaches:**

In the audio file, the time stamp has been inserted at the point where silence starts between the words John and I. Since the pointer is located from a content perspective at the same position in the audio and text files, the pointer serves to synchronize the audio and text files. See column 12, lines 51-67.

**In reference to dependent claims 44-49, Heckerman teaches:**

The use of time stamps and the insertion of time stamps based upon recognized words, sentences, paragraphs, characters, sections, patterns, letters, metadata, contextual information, and words. See column 11, lines 23-67.

**In reference to dependent claim 53, Heckerman teaches:**

The processor as taught in Heckerman and more specifically, the alignment software creates a text, adapted without human input, from the audio data. The software allows for the markers to be placed within the text to align the formats for presentation to a user. The reference teaches the use of audio files and audio content, however, the reference fails to explicitly state the data within the audio file refers to security disclosure data. The reference to Markowski discloses retrieving data from a data source and displaying that data in a graphical user interface, including the further limitation wherein the data is security issuer disclosure information. See paragraph, 0046. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio content synchronization methods of Heckerman and the security disclosure data of Markowski to provide access to specific types of content and provide synchronization of said content.



**In reference to dependent claim 54-57**, Heckerman teaches:

In the audio file, the time stamp has been inserted at the point where silence starts between the words John and I. Since the pointer is located from a content perspective at the same position in the audio and text files, the pointer serves to synchronize the audio and text files. See column 12, lines 51-67.

**In reference to claims 58-62**, the claims recite similar language found in the rejected claims, numbered 1-6. Therefore, the claims are rejected under similar rationale.

**In reference to dependent claim 63**, Heckerman teaches:

By incorporating audio time stamps into the text and, optionally, the corresponding audio file, accessing the same point in both the audio and text versions becomes a simple matter of searching the text and/or audio file for a particular, corresponding audio time stamp. See column 12, lines 14-31.

**In reference to dependent claims 64-67**, Heckerman teaches:

The processor as taught in Heckerman and more specifically, the alignment software creates a text, adapted without human input, from the audio data. The software allows for the markers to be placed within the text to align the formats for presentation to a user. The reference teaches the use of audio files and audio content, however, the reference fails to explicitly state the data within the audio file refers to security disclosure data. The reference to Markowski discloses retrieving data from a data source and displaying that data in a graphical user interface, including the further limitation wherein the data is security issuer disclosure information. See paragraph, 0046. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio content synchronization methods of Heckerman

and the security disclosure data of Markowski to provide access to specific types of content and provide synchronization of said content.

**In reference to independent claims 68 and 69**, the claims recite similar language found in the rejected independent claim 1. Therefore, the claims are rejected under similar rationale. Further, the figures 8-13 illustrate a means for displaying both sets of text based upon the audio content. The alignment is provided to a user through a processor and time stamps placed within the text.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 9-69 have been considered but are moot in view of the new ground(s) of rejection. The claims were amendment by the applicant which allowed for a new search and a newly formed rejection by the examiner.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/  
Supervisory Patent Examiner, Art Unit  
2178

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